

## PLANNING COMMISSION

### ACTION MINUTES

TUESDAY, JUNE 6, 2000

Chair Parsons called the meeting to order at 7:10 p.m. at the Twin Pines Senior and Community Center.

PRESENT, COMMISSIONERS: Peirona, Wiecha, Petersen, Purcell, Parsons

ABSENT, COMMISSIONER: Mathewson

PRESENT, STAFF: Interim Community Development Director Macris, Principal Planner de Melo, Senior Planner Livingstone, Contract Planner Ungo-McCormick, Deputy City Attorney Zafferano, Recording Secretary Wong

**AGENDA STUDY SESSION:** Principal Planner de Melo stated that staff would recommend continuance of items #7A and #7B, amendments to the parking ordinance and the single-family design review ordinance, to the August 15 meeting or later, depending on when the Commissioners would be available. Chair Parsons added that the Commission would take testimony from anyone wanting to comment on those items.

**AGENDA AMENDMENTS:** Chair Parsons stated, due to the lack of a quorum for item #7F, the public hearing on 1540 Ralston Avenue would need to be postponed if Commissioner Mathewson did not arrive before the end of the meeting. The applicant elected to keep the item on the agenda in anticipation of Commissioner Mathewson's arrival.

**COMMUNITY FORUM (Public Comments):** None.

### CONSENT CALENDAR

Action Minutes of April 18, 2000

Action Minutes of May 2, 2000

**MOTION:** By Commissioner Purcell, seconded by Commissioner Petersen to approve the consent calendar.

**AYES:** Peirona, Petersen, Purcell, Parsons

**ABSENT:** Mathewson

**ABSTAIN:** Wiecha

### SPECIAL PRESENTATION

Resolution of Appreciation for Outstanding Public Service to Jon Phillips

**MOTION: By Commissioner Parsons, seconded by Commissioner Purcell to approve Resolution No. 2000-29 approving a resolution of appreciation for outstanding public service rendered by Jon Phillips as a member of the Planning Commission of the City of Belmont:**

**AYES: Peirona, Wiecha, Petersen, Purcell, Parsons**

**ABSENT: Mathewson**

Commissioner Peirona read the resolution. Chair Parsons presented the resolution and a plaque to Mr. Phillips, who then stated that it was a pleasure serving with the Commissioners and the City of Belmont and expressed his appreciation for the opportunity to learn and be of service.

## **PUBLIC HEARINGS**

**Continued Public Hearing - To consider an amendment to Ordinance No. 360, Section 8, the parking ordinance, to require the upgrade of one-car residential garage to two-car garages when one or more bedrooms is being added (Appl. No. 00-1014); CEQA Status: Exempt; City of Belmont (Applicant)**

Chair Parsons opened the public hearing.

Ken Hall, resident of 329 Malcolm Av. and a practicing architect, stated that if the ordinance was meant to get cars off the street, then he asked the Commission to consider tandem off-street parking spaces as well as specific off-street parking spaces that were parallel to the street that didn't necessarily incorporate a sidewalk or a pedestrian thoroughfare. He found in his practice that expanding garages to two-car garages resulted in inviting the creation of a rumpus room or doubling the amount of available storage space.

**MOTION: By Commissioner Wiecha, seconded by Commissioner Petersen to continue the public hearing to September 19, 2000. The motion passed.**

**Continued Public Hearing - To consider public, Commission, and staff comments on the operation of the Single-Family Design Review Ordinance, and direction for any amendments to be considered at a future public hearing (Appl. No. 00-1015); CEQA Status: Exempt; City of Belmont (Applicant)**

Chair Parsons opened the public hearing. No one came forward to speak.

**Motion: By Commissioner Wiecha, seconded by Commissioner Petersen to continue the public hearing to September 19, 2000. The motion passed.**

**Public Hearing - 2206 Ewell Road; To consider a design review to allow a 725 sq. ft. first and second-story addition to an existing single-story home for a total of approximately 2,844 sq. ft. of floor area where a maximum of 3,350 sq. ft. is allowed (Appl. No. 00-1036); APN: 044-271-120; Zoned: R-1C; CEQA Status: Exempt; Ken Hall, Hall Architecture (Applicant); Edward and Joyce Morey (Owners)**

Contract Planner Ungo-McCormick presented the staff report recommending approval with conditions, adding that if condition number #2 was approved, then condition #1 would be modified accordingly.

Ken Hall, 329 Malcolm Av., project architect, stated that the main intent of the addition was to increase the living space and that the number of bedrooms would stay the same. Adjacent neighbors had reviewed the plans and had no objections to the proposed project. There would be no objection to cutting the new rear deck back three ft. if requested to do so by the Commission.

Regarding the retaining wall and the paved area in front of it, Chair Parsons stated that he felt strongly that they should be replaced and that staff should require an appropriate type of material and landscaping. Commissioner Purcell suggested that the large, unbroken mass of the front view needed to be reduced for aesthetic value.

Mr. Hall stated that the existing roof was made up of hips and gables and he attempted to be consistent with that and the owner would like to have the ceiling in the master bedroom vaulted. He could look at modifying the roof to a "dutch gable" but he was trying to minimize the number of roof elements.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By Commissioner Purcell, seconded by Commissioner Petersen to close the public hearing. The motion passed.**

Commissioner Wiecha commented that, even though the office did not have a closet, she felt it was a four-bedroom house in that an armoire would be a great way of providing closet space. She agreed with Mr. Hall's earlier comments regarding the two-car garage and felt that this addition might technically trigger that requirement.

**MOTION: By Commissioner Purcell, seconded by Commissioner Wiecha to approve Resolution No. 2000-30 approving design review for a single-family residence at 2206 Ewell Road and to revise conditions #1 and #2 as necessary.**

**AYES: Peirona, Weicha, Petersen, Purcell, Parsons**

**ABSENT: Mathewsen**

Chair Parsons announced that the Commission's decision could be appealed to the City Council within 10 days.

**Public Hearing - 2642 Ponce Av.; To consider a variance to allow a new deck to encroach approximately six (6) feet into the required 15 ft. rear yard setback (Appl. No. 00-1037); APN: 044-232-010; Zoned: R-1B; Richard Leanues (Applicant/Owner)**

Contract Planner Ungo-McCormick presented the staff report recommending denial.

Rick Leanues, 2642 Ponce Av., submitted a petition with signatures of 25 neighbors stating that they "had no objection to the completion of the improvement as it was currently in place." He presented photos of the deck. He stated that one of the oak trees was on the property line of the neighbor to his rear. Due to the steep slope of his lot, the deck was needed to provide a recreational area for his family.

Responding to Commissioner Petersen, Contract Planner Ungo-McCormick stated that a neighbor had called the Building Division asking if permits had been pulled for the deck. It was subsequently determined that no permit had been pulled and a stop work order was issued. Mr. Leanues noted that the reporting neighbor had not signed the petition.

Chair Parsons opened the public hearing.

Frank Magnani, 2644 Ponce Av., believed that, due to the difference in the grading of the adjacent properties, the deck as built was not infringing on the neighbor's privacy and in actuality was making it better since it blocked the view from the house.

Chair Parsons stated for the record that the three neighbors below the property did not sign the petition.

**MOTION: By Commissioner Wiecha, seconded by Commissioner Purcell to close the public hearing. The motion passed.**

The Commission's comments included: understood that the setback requirement was partially for public safety to allow adequate clearances between structures for fire suppression; thought there were other ways to configure the deck to give the applicant the square footage he was looking for; believed it would be a good idea to step down the deck so that it did not stick up so high; agreed with staff findings; and noted for the record that there was a recent case where the Commission granted a variance for an 8' deck that encroached on the rear yard setback, the Commission's decision was appealed, and overturned by Council.

**MOTION: By Commissioner Wiecha, seconded by Commissioner Purcell, approving Resolution No. 2000-31 denying a setback variance for construction of an uncovered deck at 2642 Ponce Avenue:**

**AYES: Wiecha, Petersen, Purcell, Peirona, Parsons**

**ABSENT: Mathewson**

Chair Parsons announced that the Commission's decision could be appealed to the City Council within 10 days.

**Public Hearing - 2605 Somerset Dr.; To consider a conditional use permit to amend a detailed development plan to allow an addition of approximately 1,071 sq. ft. to an existing single-family house (Appl. No. 00-1034); APN: 045-452-060; Zoned: P.D.; CEQA Status: Exempt; John C. Lee (Applicant); Clarence Wong (Owner)**

Senior Planner Livingstone presented the staff report recommending approval with conditions.

Clarence Wong, 2605 Somerset Drive, stated that he and his wife wished to add more usable space to their house to accommodate their growing family. He presented photographs which he believed would show that the project would impact very minimally the neighbors to their north and would not cast a shadow onto their window or impact their view. He stated that the photographs were taken at 1:00 p.m. on May 20<sup>th</sup>.

Chair Parsons opened the public hearing.

Patricia Kurtz, 2572 Hallmark Dr., was concerned that the five ft. increase in the height of the subject property may cause them to lose their view of the Bay and the San Mateo Bridge.

Bill Kurtz, 2572 Hallmark Dr., would like to see the design modified and the standards for the neighborhood reviewed. He believed his view and property value would be impacted and asked the Commission to invoke implied easement for light and air, and presented photos showing the view from his house. He believed there were other alternatives to achieve the same amount of square footage, as evidenced by other homes in the area.

Stan Aoyagi, 2609 Somerset Dr., downslope side of Mr. Wong's residence, disagreed that there would be minimal impact on anyone as he felt that building the two-story extension into the back yard would pretty much cut off his skylight. He submitted a picture taken from his dining room window.

Harley Hoff, 2576 Hallmark Dr., objected to the addition because he believed his limited view would be restricted. He would also like to see two large trees removed that restricted his area.

Mr. Wong believed that the impact to the Kurtz's view would be minimal as the addition was to the rear of the property and the view they were concerned with was to the right side of the roof line, which would not be raised. He presented more photographs to substantiate his opinion. Concerning Mr. Hoff's objections, Mr. Wong did not believe his proposed structure would impact him. He stated that the trees at the rear of his property would provide him with privacy and an aesthetic value, but he was willing to work out a compromise. He would be willing to remove the trees at Mr. Hoff's expense and then replace them at his own expense.

Commissioner Purcell confirmed that the birch tree would be removed as part of the remodeling plans, and removal of the tree should improve the neighbor's views.

Mr. Kurtz stated that replacement of the elm tree with a 20' wall 5' high would have a serious impact on his view. He felt that the tree should have been topped a long time ago.

Mrs. Kurtz encouraged the Commission to think about the impact that this project would have on the Hallmark Drive area as there would be a lot of applications coming from there in the future.

Mr. Aoyagi reiterated that it was not the view in his instance but it was the light value. His wife did a lot of manuscript work and felt that a two-story house would have a significant deleterious effect on the light coming in the dining room window.

**MOTION: By Commissioner Purcell, seconded by Commissioner Petersen to close the public hearing. The motion passed.**

The Commission's comments included: felt that the Commission needed to find out whether or not the addition as proposed would in fact impact the view and light of the neighbors; suggested that story boards or poles with a wire across could be put up to check the impacts on the neighbors, but he felt that during the winter the sun would be at a different angle and probably would probably cast a shadow on the neighboring house; felt that the addition could be brought back to reduce the impact on the next door neighbor, that the roofline could be reworked to have less of an impact and be more compatible with some of the other houses in the neighborhood, and that the size of the rooms were excessive; suggested that the neighbor who had poor lighting might start thinking about enlarging the window or changing their light situation; the Commission was generally opposed to any tree removals; would hate

to see the beautiful birch tree removed and wanted to state for the record that they were not in the wholesale tree removal business; felt that the rear elevation needed to have the mass reduced and needed some details; did not have a problem with the actual square footage; and felt that the bedroom square footage could be brought back and allow the first floor to go out and perhaps create a deck above and allow for the neighbor to have more sunlight.

**MOTION: By Commissioner Purcell, seconded by Commissioner Petersen to continue the public hearing to July 5, 2000, so that the applicant could work with his neighbors to try to find a resolution to their concerns. The motion passed.**

At 8:45 p.m., Chair Parsons called for a recess. The meeting reconvened at 8:55 p.m.

**Public Hearing - 1540 Ralston Av. (Notre Dame High School Sisters' Residence); To consider a detailed development plan for a three-story, 33,179 sq. ft. building which includes 24 residential units, offices, a kitchen, chapel, beauty salon, archives, conference room, and therapy room (Appl. No. 00-1024); APN: 044-360-060; Zoned: P.D.; CEQA Status: Approved Mitigated Negative Declaration; Marchetti Construction (Applicant); Notre Dame High School (Owner)**

Chair Parsons stated that since Commissioner Mathewson had not yet arrived and due to the lack of a quorum for this item, it would be scheduled as the first item on the agenda of the next meeting

**MOTION: By Commissioner Petersen, seconded by Commissioner Purcell to continue the public hearing to June 20, 2000. The motion passed.**

Commissioners Parsons and Petersen apologized for the necessity to postpone the item.

**Public Hearing - 1070 Sixth Av.; To consider a conditional use permit and design review to allow a wireless telecommunications facility that consists of three (3) roof mounted antennas and a 10' x 30' (300 sq. ft.) equipment area to be located on the roof of the existing City Hall building (Appl. No. 00-1018); APN: 045-181-230, -260, and -280; Zoned: C-2/D-1; CEQA Status: Exempt; Sprint Communications (Applicant); City of Belmont (Owner)**

Principal Planner de Melo noted that the Commission had in front of them a package of materials, collected by a consortium of property owners, which contained articles and videotapes on radio frequency, microwave and cellular phone technology and the possibility of harmful emission from these kinds of facilities. He then presented the staff report recommending approval with conditions.

A brief discussion ensued regarding the visibility of the antennas.

Jonas Ionin, Green Drake Engineering, addressed the Commissioners regarding their questions about the appearance and visibility of the installation. He stated that the further the antennas were pulled back from the direct line of sight the higher they would have to be. By lowering the height, the line of sight came into play where existing buildings and other structures in the area would create a shadow effect so that the lower the antenna the more difficult it would be for the antenna to exude its frequencies. He added that City Hall was selected for the installation because it was City owned. Sprint realized that its ability to service communities through wireless communication internet access could and should include contributing directly to the community it serviced. The revenue generated from Sprint's lease could contribute to the provisions of emergency services, educational institutions and other public services directly. Mr. Ionin assured the Commission that this facility met all of the health and safety standards

established by the FCC. He reiterated that, under the worst case scenario, the emissions would be .19% of the maximum allowed RF level on the ground and less than 1% within the building itself, so on the ground level it would be well under 500 times the allowed RF exposure level established by the FCC. The project would provide enhanced emergency response services and, especially during power outages, natural disasters and when land-locked communication was disrupted or disabled. He felt that the concerns with the visibility of equipment cabinets were a non-issue. Sprint requested that they allow installation of the antennas as proposed and, if desired, condition in the approval that, upon the renovation of City Hall, it would be enclosed entirely within the parapet wall itself. He would then request that the parapet wall be raised so that the antenna would not lose any of their coverage capabilities. The screened wall or parapet would then be constructed in those locations of transparent material that would be painted to match the rest of the parapet. The reason for the inability for Sprint to locate the antennas on the facade on the existing parapet walls would be exactly what had been discussed previously and that was the line of sight and the ability for those antennas to provide the same coverage at the height that they were currently proposed.

Principal Planner de Melo stated that Chair Parsons brought up that the proposed City Hall remodel for the Sixth Av. facade would not experience any sort of facade changes. Principal Planner de Melo said that the bulk of the additions would be at the "V" of the City Hall site so the proposed sector antenna at the extreme northwest corner of the building would be affected by the proposed City Hall remodel. The proposed pole antennas could be flush mounted, however, would the flush mounted antennas serve Sprint's needs.

Mr. Ionin stated that RF Engineers would have to determine if the height of the antennas would be adequate for Sprint.

In response to Chair Parsons, Deputy City Attorney Zafferano replied that the FCC had determined the legal thresholds for exposure to this type of radiation and it was not within the Commission's purview to change or modify that standard, and, therefore, he did not think it was in the Commission's purview to take testimony or make decisions on whether the standards were adequate or inadequate. If members of the public justifiably or otherwise had concerns about those standards they should address those concerns to the federal government which was the entity that had jurisdiction over these items. On the other hand the Commission could certainly consider the aesthetic requirements that they had been discussing up until now.

Commissioner Purcell strongly objected to that viewpoint. She said that the Commission had a responsibility to do their best for the community and she suggested continuing the public hearing so that the Commission could read the package of materials.

Mr. Ionin understood that there were two types of radiation involved: the nonionizing and the ionizing. This would be the nonionizing form of radiation. The nonionizing form of radiation would be in your stereo system, car radio, electric towers, and microwaves. The watt power generated by these panel antennas would probably be lower than standing in front of a microwave or television. These roof-mounted antennas would be inaccessible by the general public. The emission level would be .19% of the maximum allowable established by the FCC. People were generally afraid of ionizing radiation such as X-rays.

Chair Parsons opened the public hearing.

Bruce Radcliff, 1308 Sunnyslope Av., stated that he moved to Belmont in April 1947. He summarized the packet of materials he submitted to the Commission: Microwave News was an accredited publication which had an article regarding cell phone radiation; and the microwave frequency was associated with accelerated aging, enhanced cell death, cancer, depression, suicide, anger, rage, and violence primarily through the cellular calcium ions and melatonin serotonin imbalance. He was concerned that these antennas would be installed next to the police station, the police officers carried guns, and who might have the potential to have more rage. Mr. Ratcliff mentioned that the City would receive \$1,800 for rental of space for these antennas. He said that there were two towers in San Carlos in back of him, which had made his life miserable. Mr. Ratcliff stated that he had spent a lot of money to underground his telephone, an aluminum roof, and etc.

Frank Sandifer, 1319 Paloma Av., stated that he had owned his home since 1976. He was concerned about the line of sight, the aesthetics, and the radiation level. He commented that the Commission did not receive a photo of what the proposed antennas would look like. Mr. Sandifer said that he would sue Belmont and Sprint if something happened to his child. He suggested continuing the public hearing for a month to get additional public input.

Jerry Boyle, 1100 O'Neill Av., said that he had lived in Belmont for six years, and had a direct line of sight to City Hall from the back of his house. He had seen how the City had been beautified by taking down the power lines. Mr. Boyle objected to installing the antennas. He suggested installing the antennas in unpopulated areas. Mr. Boyle stated that he had two children.

Mario Turpin, 1120 O'Neill Av., stated he was concerned about health issues. He said that he had a young family. Mr. Turpin asked the location and quantity of these types of antennas in the City.

**MOTION: By Commissioner Peirona, seconded by Commissioner Wiecha to close the public hearing. The motion passed.**

Mr. Ionin responded that Mr. Ratcliff referred to a study about cellular phones. Each individual panel antennas operated at eight watts which most stereo speakers operate at 100 watts. He said that power poles were 50' apart from each other with wires connecting them overhead. Mr. Ionin apologized for not providing photos of the antennas but he had a photo simulation of another site with monopole antennas.

Principal Planner de Melo stated that the zoning ordinance encouraged co-location of the wireless antennas, and that 56 property owners were noticed for this public hearing.

The Commission's comments included: cautioned the Commission entering upon the whole issue of public health and safety which was not their area of expertise; didn't want to commission a separate study to verify other engineering studies; the Commission's responsibility was aesthetics; the equipment met all federal guidelines; felt that the Commission had a responsibility for public health and safety; suggested continuing the public hearing so that the Commission could read the packet of materials submitted to them; concerned that this issue could affect people's lives; understood concern that Hammett and Edison was hired by the applicant; concerned about aesthetics of the antenna; concerned that the northwest corner would be a visual impact, and that the parapet had to go up 10' in order to incorporate into the building.



Deputy City Attorney Zafferano had serious concerns about planning staff undertaking on their own to hire scientists to study these matters. This raised some legal issues as well as to who should pay for those additional studies. He would argue that the applicant should pay.

**MOTION: By Commissioner Purcell, seconded by Commissioner Parsons to reopen and continue the public so that the applicant could submit photo simulations of the proposed antennas, and staff to discuss with applicant about flush mounted antennas to address aesthetic issues. The motion passed with Commissioners Peirona and Wiecha voting no.**

Chair Parsons added that this item would be renoticed.

#### **REPORTS, STUDIES, UPDATES, AND COMMENTS**

Principal Planner de Melo gave a brief overview of the revisions at 819 Miramar Terrace. Principal Planner de Melo started to discuss 100 El Camino Real and was advised by Deputy City Attorney Zafferano that it was not on the agenda and not appropriate for the Commission to comment. Deputy City Attorney stated that staff could work with the applicant to submit what was needed for the Commission's review.

Deputy City Attorney Zafferano stated for the record that the applicant should be informed that the Commission did not want to engage in any communications which have the potential of violating the Brown Act and giving the impression that they were discussing the matter outside of the public meeting so perhaps staff could relay that to the applicant and make sure that they're aware of that.

Commissioner Purcell announced that she attended a transportation forum and reported that it was a little disappointing in that she was familiar with most of the local transportation issues and didn't learn anything new.

The meeting adjourned at 10:38 p.m. to meet in a regular meeting on June 20, 2000.

Marjorie W. Macris, AICP

Interim Planning Commission Secretary